

1009 MAR -8 AM 8:33

HOUSE OF REPRESENTATIVES

I certify that the attached is a true and
correct copy of HB# 1126 which
was filed of record on FEB 15 1989
and referred to the committee on:

Corrections

Betty Murray

Chief Clerk of the House

FILED FEB 15 1989

H B. No. 1126

By Stiles

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the administrative panel to the Board of Pardons and Paroles, to the management and operations of the board, and to training programs for board members and certain board employees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 42.18, Code of Criminal Procedure, is amended by adding Section 2A to read as follows:

Sec. 2A. (a) The administrative panel to the Board of Pardons and Paroles is created.

(b) The governor shall appoint three persons to serve as members of the administrative panel, with the advice and consent of the senate. Members hold staggered six-year terms.

(c) To be eligible for appointment to the administrative panel, the person to be appointed must be qualified for appointment to the Board of Pardons and Paroles, as provided by Sections 2 and 3A of this article.

(d) Grounds for removal and the procedure for removal of a member of the administrative panel are the same as the grounds for removal and procedure for removal of a member of the board under Section 3 of this article. The governor shall fill a vacancy on the administrative panel in the same manner as the governor fills a vacancy on the board under Section 3 of this article.

(e) A member of the administrative panel is not entitled to

1 compensation but is entitled to reimbursement for actual and
2 necessary expenses as provided by the General Appropriations Act.

3 (f) The governor biennially shall designate one member of
4 the administrative panel to serve as chairman. A majority of the
5 panel constitutes a quorum for the transaction of business.

6 (g) The administrative panel shall hold regular quarterly
7 meetings each year on dates fixed by the panel and such special
8 meetings as the panel determines are necessary.

9 (h) The administrative panel shall:

10 (1) organize the board and its operations;

11 (2) adopt rules necessary to carry out the board's
12 work, including rules that clearly define the respective
13 responsibilities of the administrative panel, the board, and the
14 staff of the agency;

15 (3) employ the executive director of the board; and

16 (4) exercise all powers granted to the board and
17 perform all duties required of the board other than those powers
18 and duties relating to decisions regarding the eligibility of a
19 person for release from confinement, the return of a person to
20 confinement, or the level of supervision placed on a person
21 released from confinement.

22 (i) A member of the administrative panel is entitled to
23 receive any information necessary for the performance of his duties
24 from a member of the board or an employee of the agency, but may
25 not attempt to influence a member of the board or a parole
26 commissioner regarding a decision described by Subsection (h)(4) of
27 this section.

1 (j) The executive director employed by the administrative
2 panel is responsible for the day-to-day operations of the board and
3 reports directly to the chairman of the administrative panel.

4 SECTION 2. Section 3A, Article 42.18, Code of Criminal
5 Procedure, is amended by adding Subsection (t) to read as follows:

6 (t) The executive director shall establish training programs
7 for board members, parole commissioners, parole officers, and any
8 other employees of the agency who exercise discretion at any point
9 in the process of determining the eligibility of a person for
10 release from confinement, the return of a person to confinement, or
11 the level of supervision placed on a person released from
12 confinement. The executive director shall file annually with the
13 governor and the presiding officer of each house of the legislature
14 a complete and detailed report on training programs established
15 under this subsection, including a description of each program, the
16 number of participants in each program, and a statement as to
17 whether the programs have improved the quality of decision making
18 performed by the board and its staff.

19 SECTION 3. Sections 5(f) and (g), Article 42.18, Code of
20 Criminal Procedure, are repealed.

21 SECTION 4. (a) The appointment of initial members to the
22 administrative panel of the Board of Pardons and Paroles, as
23 required by Section 2A, Article 42.18, Code of Criminal Procedure,
24 as added by this Act, operates in the manner required by this
25 section.

26 (b) Of the three initial members appointed by the governor,
27 the governor shall designate one member to serve a term expiring on

1 January 31, 1991, one member to serve a term expiring on January
2 31, 1993, and one member to serve a term expiring on January 31,
3 1995. On expiration of those terms, each term is a six-year term.

4 SECTION 5. The importance of this legislation and the
5 crowded condition of the calendars in both houses create an
6 emergency and an imperative public necessity that the
7 constitutional rule requiring bills to be read on three several
8 days in each house be suspended, and this rule is hereby suspended,
9 and that this Act take effect and be in force from and after its
10 passage, and it is so enacted.

Collazo

By Stiles

41 B. No. 1126

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15 panel, the person to be appointed must be qualified for appointment
16 to the Board of Pardons and Paroles, as provided by Sections 2 and
17 3A of this article.

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19 member of the administrative panel are the same as the grounds for
20 removal and procedure for removal of a member of the board under
21 Section 3 of this article. The governor shall fill a vacancy on
22 the administrative panel in the same manner as the governor fills a
23 vacancy on the board under Section 3 of this article.

24 (e) A member of the administrative panel is not entitled to

HOUSE COMMITTEE REPORT

89 MAR 10 PM 2:07
HOUSE OF REPRESENTATIVES

1st. Printing

By Stiles, et al.

H.B. No. 1126

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18 performed by the board and its staff.

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9 and that this Act take effect and be in force from and after its
10 passage, and it is so enacted.

COMMITTEE REPORT

3/8/89

The Honorable Gib Lewis
Speaker of the House of Representatives

(date)

Sir:

We, your COMMITTEE ON CORRECTIONS,

to whom was referred H.B. 1126 have had the same under consideration and beg to report
(measure)

back with the recommendation that it

- (X) do pass, without amendment.
() do pass, with amendment(s).
() do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. (X) yes () no An actuarial analysis was requested. () yes (X) no

An author's fiscal statement was requested. () yes (X) no

A criminal justice policy impact statement was prepared. () yes (X) no

A water development policy impact statement was requested. () yes (X) no

() The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars for placement on the () Local, () Consent, or () Resolutions Calendar.

This measure (X) proposes new law. (X) amends existing law.

House Sponsor of Senate Measure _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Hightower, Ch.	X			
Telford, V.C.	X			
Garcia, C.B.O.				X
Chisum	X			
Grusendorf				X
Johnson, S.	X			
Repp	X			
Shine				X
Valigura	X			

Total

6 aye
0 nay
0 present, not voting
3 absent

Allen Hightower
CHAIRMAN
Deborah K. Wall
COMMITTEE COORDINATOR

BILL ANALYSIS

By: STILES

H.B. 1126

BACKGROUND

The Texas Board of Pardons and Paroles has exclusive authority to determine paroles and to investigate and supervise persons released on parole. The intent of the Legislature in establishing the board was to aid all prisoners to readjust to society upon completion of their period of incarceration. With the pressures of the prison overcrowding crisis, the Board of Pardons and Paroles has experienced an increase in the number of supervised parolees and prisoners eligible for parole. Currently, the board is comprised of six members appointed by the governor with the advice and consent of the Senate. The board makes the determination of which prisoners shall be paroled. In addition, the six member board oversees the administrative functions of the agency, its personnel and policies. It has become increasingly difficult for the chairman and the other board members to execute their administrative responsibilities and also determine paroles.

PURPOSE

H.B. 1168 would create a three member appointed administrative panel to organize the operations of the Board of Pardons and Parole and to handle all administrative functions currently performed by the six member board.

RULEMAKING AUTHORITY

It is the Committee's opinion that H.B. 1168 would delegate rulemaking authority to the new administrative panel of the Board of Pardons and Paroles as established in this Act.

SECTION-BY-SECTION ANALYSIS

SECTION 1. Amends Article 42.18, Code of Criminal Procedure, by adding Section 2A which provides for the following:

- (a) The creation of an administrative panel.
- (b) The governor must appoint a three member panel for six-year staggered terms. The appointments must be approved by the senate.
- (c) The prospective appointees must meet the eligibility requirements of Sections 2 and 3A of this article which apply to eligibility for board members.
- (d) The grounds for removal and for filling a vacancy are the same as those for the board under Section 3 of this article.
- (e) The administrative panel is entitled to per diem but no regular compensation.

- (f) The governor shall designate the chairman of the panel every two years.
- (g) The panel must meet quarterly on fixed dates and may hold special meetings if necessary.
- (h) The panel will be responsible for the following:
- (1) The organization of the agency and its operations;
 - (2) the adoption of rules necessary to accomplish the agency's work and the responsibilities of the board and the agency's staff;
 - (3) the hiring of an executive director;
 - (4) the duties of the board other than those related to the determination of prisoners on parole.
- (i) The panel is entitled to information from the board or the staff if the information is necessary for them to execute their responsibilities. The panel, however, may not influence the board or the parole commissioner regarding the parole of a prisoner.
- (j) The executive director is responsible for daily operations and reports directly to the chairman of the administrative panel.

SECTION 2. Amends Section 3A, Article 42.18, Code of Criminal Procedures, by adding Subsection (t) which requires the executive director to establish training programs for the board, the parole commissioners, parole officers and other employees of the agency who may play a role in the release or parole of a person. The executive director must prepare a report detailing the program and file it each year with the governor, lieutenant governor and speaker.

SECTION 3. Repeals Sections 5(f) and (g) of Article 42.18, Code of Criminal Procedures.

SECTION 4. (a) The initial members shall be appointed in a manner prescribed by Section 2A as added by this Act.

(b) The terms for the initial members are: One member's term shall expire January 31, 1991; one term will expire January 31, 1993, and the other member's term will expire January 1, 1995. Subsequent terms shall be made for six-years.

SECTION 5. Emergency clause. Effective upon passage.

SUMMARY OF COMMITTEE ACTION

A public hearing was held on March 8, 1989 pursuant to notice posted according to House Rules. The full committee voted to report H.B. 1126 to the full House with the recommendation that it do pass. A record vote reflected the following: 6 Ayes, 0 Nays, 0 PNV and 3 Absent.

Committee on Corrections

03/05/89

AHP

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 8, 1989

TO: Honorable Allen R. Hightower, Chair
Committee on Corrections
House of Representatives
Austin, Texas

In Re: House Bill No. 1126
By: Stiles

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 1126 (relating to the creation of the administrative panel to the Board of Pardons and Paroles, to the management and operations of the board, and to training programs for board members and certain board employees) this office has determined the following:

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The bill would create a 3-person administrative panel in the Board of Pardons and Paroles. The panel would be required to hold regular quarterly meetings and would be permitted to meet at other times as necessary. The panel would receive no compensation but would be reimbursed for their actual and necessary expenses. The cost of reimbursement for expenses is estimated to be \$14,400 in FY 1990 to provide for monthly meeting and \$4,800 per year thereafter.

The bill would also require the Executive Director of the Board of Pardons and Paroles to establish training programs for board members and agency employees who exercise discretion in the agency parole eligibility determination. One staff trainer position would be added to perform this function.

The probable cost of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Cost Out of the General Revenue Fund</u>	<u>Change in Number of State Employees from FY 1989</u>
1990	\$66,292	+1
1991	46,667	+1
1992	46,667	+1
1993	46,667	+1
1994	46,667	+1

Similar annual costs would continue as long as the provisions of the bill are in effect.

No fiscal implication to units of local government is anticipated.

Source: Board of Pardons and Paroles;
LBB Staff: JO, JWH, AL, MM, NH

ENGROSSED
SECOND READING

By Stiles, et al.

H.B. No. 1126

A BILL TO BE ENTITLED

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 42.18, Code of Criminal Procedure, is amended by adding Section 2A to read as follows:

Sec. 2A. (a) The administrative panel to the Board of Pardons and Paroles is created.

(b) The governor shall appoint three persons to serve as members of the administrative panel, with the advice and consent of the senate. Members hold staggered six-year terms.

(c) To be eligible for appointment to the administrative panel, the person to be appointed must be qualified for appointment to the Board of Pardons and Paroles, as provided by Sections 2 and 3A of this article.

(d) Grounds for removal and the procedure for removal of a member of the administrative panel are the same as the grounds for removal and procedure for removal of a member of the board under Section 3 of this article. The governor shall fill a vacancy on the administrative panel in the same manner as the governor fills a vacancy on the board under Section 3 of this article.

(e) A member of the administrative panel is not entitled to

1 compensation but is entitled to reimbursement for actual and
2 necessary expenses as provided by the General Appropriations Act.

3 (f) The governor biennially shall designate one member of
4 the administrative panel to serve as chairman. A majority of the
5 panel constitutes a quorum for the transaction of business.

6 (g) The administrative panel shall hold regular quarterly
7 meetings each year on dates fixed by the panel and such special
8 meetings as the panel determines are necessary.

9 (h) The administrative panel shall:

10 (1) organize the board and its operations;

11 (2) adopt rules necessary to carry out the board's
12 work, including rules that clearly define the respective
13 responsibilities of the administrative panel, the board, and the
14 staff of the agency;

15 (3) employ the executive director of the board; and

16 (4) exercise all powers granted to the board and
17 perform all duties required of the board other than those powers
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19 person for release from confinement, the return of a person to
20 confinement, or the level of supervision placed on a person
21 released from confinement.

22 (i) A member of the administrative panel is entitled to
23 receive any information necessary for the performance of his duties
24 from a member of the board or an employee of the agency, but may
25 not attempt to influence a member of the board or a parole
26 commissioner regarding a decision described by Subsection (h)(4) of
27 this section.

1 (j) The executive director employed by the administrative
2 panel is responsible for the day-to-day operations of the board and
3 reports directly to the chairman of the administrative panel.

4 SECTION 2. Section 3A, Article 42.18, Code of Criminal
5 Procedure, is amended by adding Subsection (t) to read as follows:

6 (t) The executive director shall establish training programs
7 for board members, parole commissioners, parole officers, and any
8 other employees of the agency who exercise discretion at any point
9 in the process of determining the eligibility of a person for
10 release from confinement, the return of a person to confinement, or
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12 confinement. The executive director shall file annually with the
13 governor and the presiding officer of each house of the legislature
14 a complete and detailed report on training programs established
15 under this subsection, including a description of each program, the
16 number of participants in each program, and a statement as to
17 whether the programs have improved the quality of decision making
18 performed by the board and its staff.

19 SECTION 3. Sections 5(f) and (g), Article 42.18, Code of
20 Criminal Procedure, are repealed.

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23 required by Section 2A, Article 42.18, Code of Criminal Procedure,
24 as added by this Act, operates in the manner required by this
25 section.

26 (b) Of the three initial members appointed by the governor,
27 the governor shall designate one member to serve a term expiring on

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HOUSE ENGROSSMENT

89MAR 29 PM 3: 21
HOUSE OF REPRESENTATIVES

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LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 8, 1989

TO: Honorable Allen R. Hightower, Chair
Committee on Corrections
House of Representatives
Austin, Texas

In Re: House Bill No. 1126
By: Stiles

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 1126 (relating to the creation of the administrative panel to the Board of Pardons and Paroles, to the management and operations of the board, and to training programs for board members and certain board employees) this office has determined the following:

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

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The bill would also require the Executive Director of the Board of Pardons and Paroles to establish training programs for board members and agency employees who exercise discretion in the agency parole eligibility determination. One staff trainer position would be added to perform this function.

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Source: Board of Pardons and Paroles;
LBB Staff: JO, JWH, AL, MM, NH

LEGISLATIVE BUDGET BOARD

Austin, Texas

APR 02 REC'D

FISCAL NOTE

March 31, 1989

TO: Honorable Bob McFarland, Chairman
Committee on Criminal Justice
Senate Chamber
Austin, Texas

In Re: House Bill No. 1126,
as engrossed
By: Stiles, et. al.

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 1126, as engrossed (relating to the creation of the administrative panel to the Board of Pardons and Paroles, to the management and operations of the board, and to training programs for board members and certain board employees) this office has determined the following:

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The bill would create a 3-person administrative panel in the Board of Pardons and Paroles. The panel would be required to hold regular quarterly meetings and would be permitted to meet at other times as necessary. The panel would receive no compensation but would be reimbursed for their actual and necessary expenses. The cost of reimbursement for expenses is estimated to be \$14,400 in FY 1990 to provide for monthly meeting and \$4,800 per year thereafter.

The bill would also require the Executive Director of the Board of Pardons and Paroles to establish training programs for board members and agency employees who exercise discretion in the agency parole eligibility determination. One staff trainer position would be added to perform this function.

The probable cost of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Cost Out of the General Revenue Fund</u>	<u>Change in Number of State Employees from FY 1989</u>
1990	\$66,292	+1
1991	46,667	+1
1992	46,667	+1
1993	46,667	+1
1994	46,667	+1

Similar annual costs would continue as long as the provisions of the bill are in effect.

No fiscal implication to units of local government is anticipated.

Source: Board of Pardons and Paroles;
LBB Staff: JO, JWH, AL, MM, CKM

H. B. No.

1126

CD

Stiles

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the administrative panel to the Board of Pardons and Paroles, to the management and operations of the board, and to training programs for board members and certain board employees.

FEB 15 1989

1. Filed with the Chief Clerk.

FEB 28 1989

2. Read first time and Referred to Committee on

Corrections

3-8-89

3. Reported ___ favorably ^(as amended)
_(as substituted) and sent to Printer at 5:35 pm

MAR 9 1989

MAR 10 1989

4. Printed and distributed at 2:07 pm

MAR 10 1989

5. Sent to Committee on Calendars at 5:01 pm

MAR 28 1989

6. Read second time (amended); passed to third reading (failed) by (Non-Record Vote)
(Record Vote of ___ years, ___ nays, ___ present, not voting).

7. Motion to reconsider and table the vote by which H.B. ___ was ordered engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of ___ years, ___ nays, and ___ present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of ___ years, ___ nays, and ___ present, not voting.

MAR 29 1989

9. Read third time (amended); finally passed (failed) by (Non-Record Vote) (Record Vote of 139 yeas, 0 nays, 2 present, not voting).

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H. B. ___ was finally passed prevailed (failed) by a (Non-Record Vote) (Record Vote of ___ years, ___ nays, and ___ present, not voting).

MAR 29 1989

12. Ordered Engrossed at 12:21 pm

MAR 29 1989

13. Engrossed.

MAR 29 1989

14. Returned to Chief Clerk at 3:21 pm

MAR 30 1989

15. Sent to Senate.

Betty Murray
Chief Clerk of the House

MAR 30 1989

16. Received from the House

MAR 30 1989

17. Read, referred to Committee on

CRIMINAL JUSTICE

18. Reported favorably

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

20. Ordered not printed.

21. Regular order of business suspended by

(a viva voce vote.)

(___ years, ___ nays.)

89 MAR 29 PM 3: 21
HOUSE OF REPRESENTATIVES

_____ 22. To permit consideration, reading and passage, Senate and Constitutional Rules
suspended by vote of _____ yeas, _____ nays.

_____ 23. Read second time _____ passed to third reading by:
(a viva voce vote.)
(_____ yeas, _____ nays.)

_____ 24. Caption ordered amended to conform to body of bill.

_____ 25. Senate and Constitutional 3-Day Rules suspended by vote of _____ yeas,
_____ nays to place bill on third reading and final passage.

_____ 26. Read third time and passed by
(a viva voce vote.)
(_____ yeas, _____ nays.)

OTHER ACTION:

OTHER ACTION:

Secretary of the Senate

_____ 27. Returned to the House.

_____ 28. Received from the Senate (with amendments,
(as substituted.)

_____ 29. House (Concurred) (Refused to Concur) in Senate (Amendments)
(Substitute) by a (Non-Record
Vote) (Record Vote of _____ yeas, _____ nays, _____ present,
not voting).

_____ 30. Conference Committee Ordered.

_____ 31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record
Vote of _____ yeas, _____ nays, and _____ present, not voting).

_____ 32. Ordered Enrolled at _____

HOUSE OF REPRESENTATIVES
89 MAR 28 PM 3: 56

HOUSE OF REPRESENTATIVES
89 MAR 10 PM 2: 07